

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD**

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:16-00218

DON LAMONT WILKERSON

MEMORANDUM OPINION AND ORDER

On April 27, 2018, Don Lamont Wilkerson filed a motion seeking an additional extension of time to file a motion for new trial. ECF No. 192. Counsel for defendant states that he has not received a transcript of the trial proceedings. Accordingly, counsel for defendant requests that the court's previous extension to May 2, 2018 be further extended until May 31, 2018. Id.

Pursuant to Federal Rule of Criminal Procedure 33(b)(2), "[a]ny motion for a new trial grounded on any reason other than newly discovered evidence must be filed within 14 days after the verdict or finding of guilty." However, Federal Rule of Criminal Procedure 45 allows the court to give an extension of time if the requesting party files a motion "before the originally prescribed or previously extended time expires." Defendant's motion was filed on April 27, 2018, before the May 2, 2018 deadline imposed by the court in its previous Memorandum

Opinion and Order. See ECF No. 191. For good cause shown, the court **GRANTS** defendant's motion, and his motion for new trial is due on or before May 31, 2018.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record.

IT IS SO ORDERED this 2nd day of May, 2018.

ENTER:

David A. Faber
David A. Faber
Senior United States District Judge